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SIPDIS

SENSITIVE
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DEPARTMENT FOR AF/S

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [KDEM](#) [PHUM](#) [ASEC](#) [LT](#)

SUBJECT: LESOTHO: ABUSED OPPOSITION BODYGUARD FREED ON COURT ORDER

REF: Maseru 379

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¶1. (U) SUMMARY: On the evening of July 2, a High Court Justice ordered the Lesotho Defense Forces (LDF) Commander to facilitate the immediate release of Mr. Makotoko Lerotholi to his family. Unidentified gunmen took Mr. Lerotholi, a bodyguard for Thomas Thabane, head of the All Basotho Convention (ABC), from his home by on June 22. Neither the LDF nor the Lesotho Mounted Police Service (LMPS) admitted having him in his custody. Following a legal appeal by his wife, Lerotholi's lawyer was granted access to him and discovered the man in poor physical condition bound to a hospital bed at Makoanyane Military Hospital (MMH). After his release, he alleged torture at the hands of Lesotho's security organs. END SUMMARY.

A Grim Tale of Extra-Judicial Force

¶2. (SBU) At approximately 9:00 p.m. on July 2, a Justice of Lesotho's High Court ordered the immediate release of Makotoko Lerotholi, a bodyguard for opposition ABC leader Thomas Thabane, in response to an legal case filed by Lerotholi's wife after her husband's abduction by unknown gunmen on June 22. Lerotholi is a former soldier, retired from the army for eight years. After Lerotholi was abducted, fellow Thabane bodyguard Thabo Thants'i claimed that he had witnessed Lerotholi's torture before escaping from Makoanyane Military Hospital (MMH) to South Africa after his own alleged torture (reftel). According to Embassy security contacts, LDF soldiers attempted to turn Lerotholi over to police custody on June 29, but the LMPS's Assistant Commissioner for Criminal Investigations refused due to the man's apparent injuries at the hands of his interrogators and the fact that the police had not charged him with a crime.

¶3. (U) Hae Phoofolo, Lerotholi's attorney and a well known human rights lawyer, was the first to access Mr. Lerotholi after the court order. During a call to private radio station Harvest-FM, he claimed that he found Lerotholi chained to a bed at Makoanyane Military Hospital (MMH). He stated that Lerotholi had obvious signs of physical abuse. Since his release, Lerotholi related his ordeal to family and friends, who have since publicly stated that he was tortured.

The High Court Case

¶4. (U) The case filed at the high court accused the following individuals of responsibility in her husband's abduction: Commander of the LDF General Thuso Motanyane; Prime Minister and Minister of Defense Pakalitha Mosisili; Commissioner of Police `Malejaka Letooane; Director of Makoanyane Military Hospital Lieutenant Paul Koenane; and Attorney General, Tsokolo Makhethe.

¶5. (U) High Court Judge `Maseforo Mahase issued a strong ruling, stating that "the applicant's husband's kidnapping and detention by the [LDF Forces] is an unlawful violation of his right to liberty," and directed that Makoanyane Military Hospital provide Lerotholi's attorney with records of "all physical examinations done while he remained at Makoanyane Military Hospital (MMH)."

Grim Tale, Bold Judiciary

¶6. (SBU) COMMENT: The case of Makotoko Lerotholi is a grim reminder of the directions in which the current political turbulence can lead. Section 81 of Lesotho's constitution

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prohibits all forms of torture. The only bright spot in this dark narrative is the judicial independence shown by Lesotho's High Court, which moved boldly and expeditiously to resolve Ms. Lerotholi's case. The political opposition, meanwhile, is citing the alleged torture in its growing demands for the GOL to cease extrajudicial detention and mistreatment of its supports.
END COMMENT.
MURPHY